



April 29, 2009

Ms. Jane T. Feldman
Executive Director
Independent Ethics Commission
633 17th Street, 13th floor
Denver, CO 80202

VIA FACSIMILE 303-866-3777 AND HAND DELIVERY

RE: Colorado Open Records Act Request

Dear Ms. Feldman:

Pursuant to the Colorado Open Records Act, C.R.S. § 24-72-201 *et seq.*, Colorado Ethics Watch (“Ethics Watch”) makes this request for records, regardless of format, medium or physical characteristics.

Specifically, Ethics Watch seeks to inspect the following documents and records:

The following categories of documents regarding Complaints Nos. 09-01, 09-02, 09-03 and 09-04 identified on the IEC’s Complaint webpage (a copy of which is attached and incorporated herein by reference):

- 1. Each complaint.**
- 2. Any correspondence between the IEC and any complaining party, and**
- 3. Any document communicating the IEC’s decision on each complaint to the complaining party or otherwise describing the basis of the IEC’s decision.**

Please set a date and hour within three working days at which the records will be available for inspection as required by C.R.S. § 24-72-203(3). *Ethics Watch does not agree to pay any charges associated with this request without prior authorization.*

If these records are not in your custody or control, please notify me forthwith and state in detail to the best of your knowledge the reason for the absence of the records, their location, and what person or persons has custody or control of the records, as required by C.R.S. § 24-72-203(2).

If you deny access to any of the above public records, please provide forthwith a written statement of the grounds for the denial, citing the law or regulation under which access is denied as required by C.R.S. § 24-72-204(4).

If you have any questions about this request or foresee any problems in releasing fully the requested records within the requisite three-day period, please call me within that time period. I can be reached at (303) 626-2100. Alternatively, you can deliver the requested documents to Doug Staggs, Colorado Ethics Watch, 1630 Welton Street, Suite 415, Denver, CO 80202, via facsimile at (303) 626-2101 or via electronic mail at dstaggs@coloradoforethics.org.

Thank you for your prompt attention to this request.

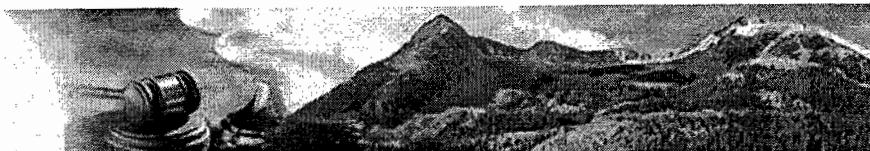
Sincerely,



Doug Staggs
Research Director



Independent Ethics Commission

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Complaints

Complaint 08-01: The IEC voted 3-1 (Commissioner Smith dissenting) to deem the complaint non-frivolous and proceed to a public hearing. (Commissioner Hopper recused). (10/06/08)

[1/28/09: Order regarding Motion to Recuse or Transfer](#)

[2/05/09: Order Regarding Motion to Dismiss](#)

[2/05/09: Order Regarding Motion to Determine Evidentiary Standard](#)

[2/13/09: Amended Notice of Hearing](#)

Complaint 08-02: The IEC voted unanimously to dismiss on two grounds: The Commission found the complaint frivolous, and further the alleged misconduct occurred more than 12 months prior to the filing of the complaint, pursuant to Colorado Constitution Article XXIX, Section 5(2)(3)(a) and (b), and IEC Rule 7.D. 2 and 4. (10/6/08)

Complaint 08-03: The IEC voted unanimously to dismiss on grounds of lack of jurisdiction pursuant to IEC Rule 7.D.1, because it alleges misconduct by a member of the judicial branch. (10/06/08)

Complaint 08-04: The IEC voted unanimously to dismiss pursuant to IEC Rule 7.D.3, because the alleged violation, if true, would not constitute a violation of Colorado Constitution Article XXIX, or any other standard of conduct or reporting requirement under the jurisdiction of the IEC. (10/06/08)

Complaint 09-01: The IEC voted unanimously to dismiss pursuant to IEC Rule 7.D.3, because the alleged violation, if true, would not constitute a violation of Colorado Constitution Article XXIX, or any other standard of conduct or reporting requirement under the jurisdiction of the IEC. (01/14/09)

Complaint 09-02: The IEC voted unanimously to dismiss pursuant to IEC Rule 7.D.3, because the alleged violation, if true, would not constitute a violation of Colorado Constitution Article XXIX, or any other standard of conduct or reporting requirement under the jurisdiction of the IEC. (02/02/09)

Complaint 09-03: The IEC voted unanimously to dismiss for lack of jurisdiction pursuant to IEC Rule 7.D.1. The IEC has jurisdiction to hear complaints against a "public officer, member of the general assembly, local government official, or government employee." See, Article XXIX Sec. 5(3)(a).

This Complaint alleges ethical violations by members of a school board. Members of boards who receive no compensation other than a per diem allowance or necessary or reasonable expenses are expressly excluded from the definition of "public officer" set forth in Article XXIX Sec. 2(6). The IEC therefore has no jurisdiction to hear complaints against unpaid school board members.

This Complaint also alleges ethical violations by an employee of a school district. A school district is not a "county or municipality" and therefore is not a "local government" under Sec. 2(2). Therefore, the employee is not a "government employee" under Sec. 2(1) and is not subject to the jurisdiction of the IEC. (04/06/09)

Complaint 09-04: The IEC voted unanimously to dismiss this Complaint due to insufficient evidence to proceed. The failure of the Complaint to set forth a statement of facts underlying the Complaint with sufficient specificity as required by IEC Rule 7.C necessitates dismissal of the Complaint pursuant to IEC Rule 7.E.3. for failure to comply with IEC Rules of Procedure regarding Complaints. (04/06/09)